

THE HONORABLE THOMAS O. RICE

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Attorney for Defendants

IN UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

BRIAN TACKETT,

Plaintiff,

vs.

PROVIDENCE SACRED HEART
MEDICAL CENTER, KAVITHA
CHAGANUR, MD,

Defendants.

Cause No. 2:24-cv-00262-TOR

DEFENDANT PROVIDENCE
SACRED HEART MEDICAL
CENTER AND KAVITHA
CHAGANUR, M.D.'S
ANSWER, AFFIRMATIVE
DEFENSES TO PLAINTIFF'S
SECOND AMENDED
COMPLAINT

WITH JURY DEMAND

COME NOW Defendants, Providence Sacred Heart Medical Center and Kavitha Chaganur, MD, in response to Plaintiffs' Amended Complaint with Jury Demand dated November 3, 2024 (ECF No. 133) and hereby admits, denies and alleges as follows:

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JURISDICTION AND VENUE

1. Defendants admit to diversity of the parties. The remainder of the requisite components of 28 USC Section 1332 are not pled in Plaintiff's Complaint and are therefore denied.
2. Defendants admit that venue is proper.

PARTIES

3. Defendants lack sufficient knowledge to form a belief as to the truth or falsity of Plaintiff's allegation concerning his residency and therefore deny the same.
4. Defendants admit that Providence Sacred Heart Medical Center is located in Spokane, Washington. Defendants deny PSHMC is an "association." Any remaining allegations are denied.
5. Defendants admit that Defendant Kavitha Chaganur is a physician practicing at PSHMC in Spokane County, Washington. Any remaining allegations are denied.

SUMMARY

6. Defendants lack sufficient knowledge to form a belief as to the truth or falsity of the allegations contained in this section and therefore deny the same.

Standard of Care:

7. Defendants deny Plaintiff's allegations concerning the applicable standard of care, which they understand to be the entirety of this paragraph.

8. Denied as an improper statement of Washington law.

9. Denied as an improper statement of Washington law.

Departure from the Standard of Care:

10. Denied.

11. Denied.

The Departure Cause the Injury:

12. Denied.

The Departure was a Gross Departure from the Standard of Care

13. Denied.

APPLICABLE FACTS

14. – 25. Defendants lack sufficient knowledge to form a belief as to the truth or falsity of the allegations contained in this Paragraph and therefore deny the same.

26. Defendants admit that decedent was admitted to PSHMC in Spokane, Washington. Defendants admit that, at periods of time, care was provided by Dr. Chaganur. The remaining allegations are denied.

27. Defendants admit Dr. Chaganur was an employee of Providence Sacred Heart Medical Center in 2018. All remaining allegations are denied.

28. Denied.

29. Denied.

30. Defendants assert that Plaintiff was accurately diagnosed based upon her complaints and physical symptoms at the time of her arrival at PSHMC including the stroke that she suffered prior to her arrival. Defendants deny any remaining allegations.

31. Defendants deny the entirety of the allegations contained in this Paragraph.

1 32. Defendants deny the entirety of the allegations contained in this
2 Paragraph. The allegations are not specific and otherwise do not permit
3 Defendants to respond in any manner other than a denial.
4

5 33. This paragraph consists of a legal conclusion without factual foundation
6 and Defendants therefore deny the same.
7

8 34. Defendants deny Plaintiff is entitled to any recovery. Defendants admit
9 diversity of the parties.
10

11 35. Defendants deny the entirety of the allegations contained in this
12 Paragraph. This paragraph contains a reference which requires
13 consultation of documents outside the body of the Complaint.
14
15

16 **CLAIM**

17 36. Defendants restate their prior answers as though fully set forth herein.
18

19 37. Denied.

20 38. Denied.
21

22 39. Denied.
23

24 Defendants deny each and every allegation contained in this Section of
25 Plaintiff's Complaint.
26
27
28
29

RELIEF

The remainder of Plaintiff's Complaint consists of a prayer for relief to which no response is required. Insofar as this Paragraph requires a response, such allegations are denied. Defendants have fully answered Plaintiff's Complaint. To the extent any allegation contained in Plaintiff's Complaint has not heretofore been met with a response, such allegation or allegations are denied.

JURY DEMAND

Defendants hereby request trial by a jury of the maximum number permitted by law of all issues so triable.

AFFIRMATIVE DEFENSES

Without the benefit of having conducted discovery in the process of litigation, Defendants assert the following affirmative defenses:

1. Plaintiff has failed to state a claim upon which relief can be granted.
2. Based upon information and belief, and subject to discovery, Plaintiff may have failed to mitigate their damages, if any.
3. Based upon belief, and subject to discovery, Plaintiff's claimed injuries and damages may be the result of Plaintiff's own actions and inactions.
4. Fault, if any, should be attributed to any party at fault or non-party pursuant to RCW 4.22.070. This includes all of the entities Mr. Tackett has

1 previously sued for malpractice for the medical care rendered during and after the
2 time periods described in his Complaint, including all of the Defendants and
3 former defendants listed in United States District Court for the District of Montana
4 – Missoula Division Case No. CV 21-00037-BMM.
5

6
7 5. Defendants acted within the standard of care.

8
9 6. Some or all of Plaintiff's claims may be subsumed and foreclosed by
10 RCW 7.70, et seq.

11
12 7. Defendants reserve the right to supplement, strike or amend the
13 foregoing list of affirmative defenses in keeping with the course of discovery.

14 DATED this 12th day of June, 2025.

15
16 By: EVANS, CRAVEN & LACKIE, P.S.
17 /s/ Mark Louvier

18 MARKUS W. LOUVIER, #39319

19 Attorneys for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on 6/12/2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Plaintiff, Pro Se

Brian Tackett

POB 448

Troy, Montana 59935

Tackett59935@gmail.com

/ s/

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